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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,165	05/30/2000	Eric C. D. Lenington	IMCI-0003	2466

27964 7590 06/16/2003

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EXAMINER

NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 06/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/580,165

Applicant(s)

LENINGTON, ERIC C. D.

Examiner

Quynh H Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed 4/7/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gisby (U.S. Patent 5,943,416).

Regarding claims 1 and 8, Gisby teaches the system for automatically transferring a telephone call from a called party to the subsequent (surveyer) party (col. 2, lines 60-64 and col. 5, lines 42-60); customers who wish to participate in the survey are transferred to the subsequent party ("interactive voice response (IVR) unit to participate in the survey") without requiring equipment associated with the called party to cause the transfer ("automatically transferred after their session with an agent to the IVR to participate in the survey") (col. 5, lines 53-55). Note that claims 1 and 8 do not specifically recite transferring the call to a surveyer. Furthermore, Gisby teaches the caller has indicated the he/she is willing to take part in the survey agrees not to discuss the fact of the survey with any agent whom the call may be routed (col. 6, line 60 through col. 7, line 6). This reads on claimed "...transfer the telephone call to the subsequent party without requiring equipment associated with the called party to cause the transfer".

Gisby does not explicitly suggest the use of a call termination detector that detects termination of the telephone call by the called party. While the call termination must be detected in Gisby, the use of a separate component (i.e., a "detector") is not explicitly taught by Gisby.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made that the step of detecting termination of the telephone call by the called party would exist and be necessary prior to transfer the customers to the IVR to participate in the survey after their session with a target agent. Furthermore, in the integrated telephony communications network, the switch would detect the telephone call termination in order to release resources or perform billing processes.

Regarding claims 2, 9, and 16, Gisby teaches the system is collocated with the call transfer circuitry (Fig. 1).

Regarding claims 3, 10, and 17, Gisby teaches the in-band call transferring (col. 3, lines 35-36).

Regarding claims 4, 11, and 18, Gisby teaches the calls are transferred after transaction with an agent (Abstract, lines 7-10), therefore, the called party (agent) is hang up and unable to detect the transfer.

Regarding claims 5 and 12, Gisby teaches the step of selecting the telephone call for the transfer (col. 3, lines 33-35).

Regarding claims 6 and 13, Gisby teaches that transmit a message regarding the transfer to a calling party (Fig. 2, 102 and Abstract, lines 1-5).

Regarding claims 7 and 14, Gisby teaches a surveyer that surveys a calling party (col. 7, lines 24-26).

Claim 15 is rejected for the same reasons discussed above with respect to claims 1, 6, and 7. Furthermore, Gisby teaches the steps of: selecting a telephone call to be surveyed from a plurality of telephone calls from network 13 (col. 3, lines 32-35).

Regarding claim 19, Gisby teaches the surveyer comprises an interactive voice response unit (col. 7, lines 24-26).

Regarding claim 20, Gisby teaches the called party is an inbound call center (Fig. 1, 19 and col. 4, lines 36-44).

### *Response to Arguments*

3. Applicant's arguments filed 4/7/03 have been fully considered but they are not persuasive. Applicant's arguments have been addressed in the above claim rejection. Applicant's conclusion that Gisby uses a component associated with the call<sup>ed</sup> party to transfer the call is not supported.

### *Conclusion*

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451.

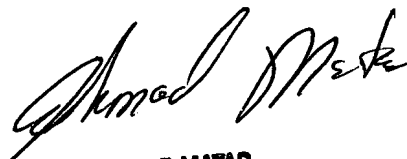
The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

qhn

Quynh H. Nguyen  
June 4, 2003

  
**AHMAD F. MATAR**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2700